

# Notice of Allowability

Application No.

09/955,804

Applicant(s)

PAVELA, THOMAS J.

Examiner

Art Unit

Ted T. Vo

2192

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

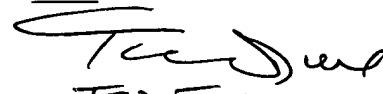
1. ☒ This communication is responsive to Appeal Brief filed on 11/24/04.
2. ☒ The allowed claim(s) is/are 22-36.
3. ☒ The drawings filed on 9/19/01 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

  
TED T. VO  
Primary Examiner

1. The arguments in the Appeal Brief before Board of Patent Appeals And Interferences filed on 11/24/04 has fully considered, which result the withdrawal of the Final Office rejection dated on 06/01/04. With further extensive searches, the prior art of record, Smith (US No. 5,754,755) remains the closest art of record.

### Reasons for Allowance

2. Claims 22-36 are allowed.

Prior art of record, Smith, Jr., (US Pat. No. 5,754,755), discloses a method for generating code for test scripts that are provided as test procedures. Each *test* template file includes with HTML tags. Tags used in the test template file *might contain placeholders* for allowing arguments interacting with internal functions, including, placeholders, functions control commands, which are instructions associated in the test. Smith also uses the tags with placeholders for generating documents that might include test plans.

However, Applicants pointed out, *'the "placeholders" were not analogous to the "tags" of the Applicant's invention because the were not associated with a library of executable code objects defining a set of instructions for performing a portion of the automatic test procedure'* (Briefs: page 5, third paragraph). Furthermore, Applicants point out, *'These functions, however, are part of the application program to be tested, not test code, and are therefore not associated with a member of a library of executable code objects defining a set of instructions for performing a portion of the automatic test procedure'* (Briefs: page 7, second full paragraph), also Applicants point out in response to HTML tags, *"The Applicant's answer is simple ...OBJECT1, OBJECT2, and OBJECT3 are not member of a library of executable code objects defining a set of instructions for performing a portion of the automatic test procedure'* (Briefs: page 7, the last paragraph).

Therefore, the following is an examiner's statement of reasons for allowance: The cited prior arts taken alone or in combination fail to teach claimed invention of a method, an apparatus, and a program

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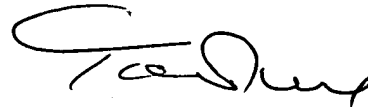
storage device for generating test code for an automated test procedure, comprising the steps of comprising at least features:

*"defining a source file having a plurality of tags, each tag associated with a member of a library of executable code objects defining a set of instructions for performing a portion of automatic test procedure"* as recited in independent Claims 1, 27, and 32.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3694. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ted T. Vo  
Primary Examiner  
Art Unit 2192  
May 31, 2005